

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SECOND AMENDMENT ARMS (a d/b/a of)	
R. Joseph Franzese), R. JOSEPH FRANZESE,)	
individually and d/b/a SECOND AMENDMENT)	
ARMS, and TONY KOLE,)	
)	Case No: 1:10-CV-4257
Plaintiffs,)	
)	Hon. Robert M. Dow, Jr.
v.)	U.S. District Court Judge
)	
CITY OF CHICAGO, a municipal corporation,)	
RAHM EMANUEL, in his official capacity as)	
Mayor of the City of Chicago, GARRY)	Hon. Sheila M. Finnegan
McCARTHY, Superintendent of Police of the City)	U.S. Magistrate Judge
of Chicago, and SUSANA MENDOZA, City Clerk)	
of the City of Chicago,)	
)	
Defendants.)	

MOTION FOR EXTENSION OF TIME TO FILE
SUPPLEMENTAL *BRUEN* BRIEF IN RESPONSE TO COURT'S ORDER

NOW COME the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, and Tony Kole, by and through undersigned counsel, and move this Honorable Court to grant Plaintiffs an extension of time to file their supplemental *Bruen* brief in response to the Court's Order. In support thereof, Plaintiffs state as follows:

1. This action alleges violations of the Plaintiffs' constitutional rights owing to certain of Defendants' past and present regulations regarding the sale of firearms in Chicago.

2. Following the United States Supreme Court's ruling in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (June 23, 2022), this Court ordered

supplemental briefing on how the *Bruen* decision affects two issues remaining in this case; namely, the Plaintiffs' challenge to the Defendants' ban on laser sights, and the issue of Plaintiff's claim for nominal damages.

3. The Court ordered the supplemental briefs to be filed by July 18, 2022, but later extended that date to August 8, 2022, on Defendants' request.

4. While preparing Plaintiffs' supplemental brief over the last number of days, Plaintiffs' counsel fell ill, and has recently tested positive for COVID-19. As a result, Plaintiffs' counsel has been unable to complete the supplemental brief.

5. Plaintiffs therefore request a short extension to submit their supplemental brief.

6. Due to Plaintiffs' counsel's caseload, including but not limited to an Appellate Reply Brief due August 15, 2022, in the Seventh Circuit Court of Appeals (*Atkinson v. Garland*, 22-1557 (7th Cir.)), and since it is unclear how Plaintiffs' counsel's illness will affect his other pending matters, Plaintiffs are requesting an additional 14 days, or by August 22, 2022, to file their supplemental briefing.

7. Plaintiffs' counsel attempted to contact Defendants' counsel regarding this Motion, but was unable to reach him.

8. This Motion is not filed for dilatory purposes or for delay, but only so that Plaintiffs may fully present their arguments before the Court.

WHEREFORE, the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, and Tony Kole, by and through undersigned counsel, request this Honorable Court grant Plaintiffs an extension of time until August 22, 2022 to file the supplemental *Bruen* brief, as well as any and all further relief as this Court deems appropriate.

Respectfully submitted,

/s/ David G. Sigale
Attorney for Plaintiffs

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CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

1. On August 8, 2022, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;

2. Pursuant to F.R. Civ. P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale

Attorney for Plaintiffs

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